

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

REBECCA RADATZ,

Plaintiff,

Case No. 10-12434

v.

Hon. John Corbett O'Meara

RELIANCE STANDARD LIFE  
INSURANCE CO., a foreign  
insurance company,

Defendant.

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**ORDER DENYING DEFENDANT'S  
MOTION TO DISMISS AS MOOT**

Before the court is Defendant's motion to dismiss Plaintiff's complaint pursuant to Fed. R. Civ. P. 12(b)(6), filed June 22, 2010. Plaintiff submitted a response, along with an amended complaint, on July 13, 2010. Defendant filed an answer to the amended complaint on July 21, 2010.

Plaintiff timely filed an amended complaint as of right pursuant to Fed. R. Civ. P. 15(a)(1)(B). Defendant's motion to dismiss relates to Plaintiff's original complaint, which has been superseded by the amended complaint. As a result, Defendant's motion has been rendered moot. See, e.g., Van Vels v. Betten, 2007 WL 2461933 (W.D. Mich. Aug. 27, 2007) (citing cases).

Therefore, IT IS HEREBY ORDERED that Defendant's June 22, 2010 motion to dismiss is DENIED AS MOOT.

s/John Corbett O'Meara  
United States District Judge

Date: August 17, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 17, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager